IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: The April 5th, 2006

Criminal Misc. Bail Application No. 257 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Arshad Rahi
S/o Sh. Liyakat
R/o Moh. Kuroshiyan Kasba Baghra
P.S. Titavi District Mujaffar Nagar
At Present Manjra Prabhu
P.S. Bazpur
District U.S. Nagar

…Applicants

Versus

State of Uttaranchal …Opposite Party

Arising out of Case of Crime No. 18 of 2006
Crime No. 166/2006
Under Sections 395, 397, 120-B, 412 IPC
Police Station-Bazpur, U.S. Nagar
District U.S. Nagar

Hon'ble J.C.S. Rawat, J.

Heard Sri S.K. Agarwal learned senior counsel for the applicant and learned A.G.A. for the State.

Perused the record. It is alleged that a dacoity was committed in the house of the complainant on 22.01.2006 at about 9:30am and the applicant was arrested on 14.02.2006. It was pointed out that a discovery of gold ring was made near 'Pulliya' at the instance of the applicant-accused. It was contended that said ring and sum of Rs. 2400/- were kept inside the pit. If a person receives his share from a loot, he will never keep his share in such a way and he would like to dispose it as early as possible. It was further contended that the statement recorded under section 161 Cr.P.C. shows that a ring studded with white stone and gold ring was looted. But, the recovered gold ring has tow flowers and 'OM' embedded on it. The particulars of ring, which was looted from the house of the complainant, does not tally with the recovered ring. It was further contended that the father of the applicant is a journalist, who had made a complaint to the National is a journalist, who had made a complaint to the National Human Rights prior to the date of incident and some articles were published in the news against the S.H.O. It

was further contended that the discovery, which has been alleged against the applicant, is not credible and cogent. The applicant has been arrayed as an accused under section 120-B. There is no other evidence against the applicant. Considering the contentions, facts and circumstances of the case, it is fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate, Kashipur.

(J.C.S. Rawat, J.)

Dated 05.04.2006
LSR